

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRIAN A., et al.)	
)	
Plaintiffs)	Civ. Act. No. 3:00-0445
)	Judge Todd J. Campbell
v.)	Magistrate Judge Joe B. Brown
)	
PHIL BREDESEN, Governor of the)	
State of Tennessee; and VIOLA MILLER,)	
Commissioner of the Tennessee)	
Department of Children's Services)	
)	
Defendants)	
)	

**JOINT STIPULATION SEEKING COURT APPROVAL OF PROPOSED 2010
MODIFIED SETTLEMENT AGREEMENT AND EXIT PLAN**

By Joint Stipulation Extending Monitoring, approved by the Court on June 29, 2010 (Dkt. 405), the parties stipulated, among other things, that they were engaged in good faith negotiations towards a 2010 Modified Settlement Agreement and Exit Plan ("the 2010 Exit Plan"), and anticipated presenting the proposed 2010 Exit Plan to the Court for review on or before September 15, 2010.

In a Joint Status Update filed on September 9, 2010 (Dkt. 406), the parties reported that they continued to engage in good faith negotiations towards completion of the proposed 2010 Exit Plan but did not anticipate presenting it to the Court for review before October 29, 2010. In a subsequent Joint Status Update filed on October 28, 2010 (Dkt. 407), the parties stated that

they had made significant progress towards presenting the proposed 2010 Exit Plan to the Court, and would do so on or before November 15, 2010.

After six months of intense, good faith, arm's length negotiations, the parties have agreed to a proposed 2010 Exit Plan (attached hereto as Ex. A), and hereby present it to the Court for approval. If approved, the 2010 Exit Plan will constitute a modified set of obligations for the Plaintiff class which, if complied with, are designed to lead Defendants towards successful termination of jurisdiction over this action.

Pursuant to Section XVII of the January 2009 Modified Settlement Agreement (Dkt. 288), which remains in full force and effect, the parties now stipulate and agree, and request Court approval, as follows:

1. The proposed 2010 Exit Plan will replace and supersede the 2009 Modified Settlement Agreement in its entirety and, if approved, will be signed by the Court and entered as a separate docket entry in this action.
2. The proposed 2010 Exit Plan will best further the purposes of the Settlement Agreement and protect the Plaintiff class.

DATED: November 10, 2010

APPROVED FOR ENTRY:

ATTORNEYS FOR PLAINTIFFS:

/s/ Marcia Robinson Lowry
MARCIA ROBINSON LOWRY (*pro hac vice*)
IRA LUSTBADER (*pro hac vice*)
CHILDREN'S RIGHTS, INC.
330 Seventh Avenue, 4th Floor
New York, NY 10001
(212) 683-2210

/s/ David L. Raybin
DAVID L. RAYBIN (TN BPR #003385)
HOLLINS, RAYBIN AND WEISSMAN P.C.
Suite 2200, Fifth Third Center
424 Church Street
Nashville, TN 37219
(615) 256-6666

JACQUELINE B. DIXON (TN BPR #012054)
WEATHERLY, MCNALLY AND DIXON, P.L.C.
Suite 2260
424 Church Street
Nashville, TN 37219
(615) 986-3377

OF COUNSEL FOR PLAINTIFFS:

RICHARD B. FIELDS (TN BPR #4744)
688 Jefferson Avenue
Memphis, TN 38105
(901) 578-7709

ROBERT LOUIS HUTTON (TN BPR #15496)
Glankler Brown, PLLC
Suite 1700, One Commerce Square
Memphis, TN 38103
(901) 525-1322

WADE V. DAVIES (TN BPR #016052)
Ritchie, Dillard and Davies
606 W. Main Street, Suite 300
Knoxville, TN 37902
(865) 637-0661

ATTORNEYS FOR DEFENDANTS:

/s/ Douglas Earl Dimond
DOUGLAS EARL DIMOND (TN BPR #017953)
ELIZABETH C. DRIVER (TN BPR #019363)
Office of the Attorney General
General Civil Division
2nd Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37243
(615) 532-7913

SO ORDERED:

Todd Campbell

HONORABLE TODD J. CAMPBELL, U.S.D.J.

DATE